

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA
CRIMINAL DIVISION

VENUE: SAN FRANCISCO

CR 06

UNITED STATES OF AMERICA,

v.

VINCE MING WAN aka NELSON WAN
aka PHILLIP HOANG, et al.

FILED
06 JUN 15 PM 4:13
RICHARD W. WIEK
CLERK, U.S. DISTRICT COURT
MHP

SEALED
BY COURT ORDER

DEFENDANT.

INDICTMENT

21 USC § 846-Conspiracy to Cultivate, to Possess With Intent to Distribute,
and to Distribute Marijuana; 21 USC § 841(a)(1)-Cultivation of and Possession
with Intent to Distribute Marijuana; 21 USC §856(a)(1)-Maintaining a place for
Cultivating and Distributing Marijuana; 18 USC § 2-Soliciting, Aiding and
Abetting; 21 USC § 853 Criminal Forfeiture

A true bill.

Colin Hanley
Foreman

Filed in open court this 15th day of

June, 2006

Li, Nguyen, Yuan
Clerk

No Bail
arrest
Warrant for
Kong, Leung,

Bail, \$

1

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

SEE PENALTY SHEET ATTACHMENT

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

SEE PENALTY SHEET ATTACHMENT

**SEALED
BY COURT ORDER****PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

DEA SA CHRISTOPHER M. FAY

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a re-prosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

 Name and Office of Person
 Furnishing Information on
 THIS FORM

KEVIN V. RYAN

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

ANDREW M. SCOBLE

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT

VINCE MING WAN aka Nelson Wan aka Phillip Hoang

DISTRICT COURT NUMBER

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☒ Is on Bail or Release from (show District)

NDCA

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY
☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS*

☐ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

**PENALTY SHEET ATTACHMENT:
VINCE MING WAN
aka Nelson Wan
aka Phillip Hoang**

Ct.: 1

21 U.S.C. §§ 846 & 841(b)(1)(A)(vii) – Conspiracy to Cultivate, Possess with Intent to Distribute, and Distribute One Thousand or More Marijuana Plants

At least 10 years to life; \$4 million fine; at least 5 years of supervised release; \$100 special assessment

Cts.: 2, 4, 8, 10, 11, 13

21 U.S.C. § 856(a)(1) – Maintaining a Place for Cultivating and Distributing Marijuana

20 years in prison; \$500,000 fine; at least 3 years of supervised release; \$100 special assessment. Also subject to civil penalty of \$250,000 or twice the known or estimated gross receipts of each violation attributable to that defendant

Cts.: 9, 12

21 U.S.C. § 841(a)(1) & (b)(1)(A)(vii) – Cultivation and Possession with Intent to Distribute 1,000 or more Marijuana Plants

At least 10 years to life in prison; \$4 million fine; at least 5 years of supervised release; \$100 special assessment

Cts.: 14

21 U.S.C. § 841(a)(1) & (b)(1)(B)(vii) – Cultivation and Possession with Intent to Distribute 100 or more Marijuana Plants

At least 5 to 40 years in prison; \$2 million fine; at least 4 years of supervised release; \$100 special assessment

Ct.: 5

21 U.S.C. § 841(a)(1) & (b)(1)(D) – Cultivation and Possession with Intent to Distribute Marijuana Less than 50 Plants or 50 Kilograms

5 years in prison; \$250,000 fine; at least 2 years of supervised release; \$100 special assessment

FORFEITURE ALLEGATION:

**21 U.S.C. § 853(a)(1) & (2), (p): any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of drug violation; or
any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and substitute assets**

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

SEE PENALTY SHEET ATTACHMENT

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

SEE PENALTY SHEET ATTACHMENT

**SEALED
BY COURT ORDER****CR**
 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

EDWIN GORDON TOY, WIEKING

DISTRICT COURT NUMBER

06**0426 MHP****DEFENDANT****IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☒ Is on Bail or Release from (show District)

NDCA

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer been filed?

☐ Yes
☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY☐ This report amends AO 257 previously submitted
PROCEEDING
 Name of Complainant Agency, or Person (&Title, if any)

DEA SA CHRISTOPHER M. FAY

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a re-prosecution of charges previously dismissed which were dismissed on motion of:

SHOW DOCKET NO.

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

 Name and Office of Person
 Furnishing Information on
 THIS FORM

KEVIN V. RYAN

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

ANDREW M. SCOBLE

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS*

☐ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

**PENALTY SHEET ATTACHMENT:
EDWIN GORDON TOY**

Ct.: 1

21 U.S.C. §§ 846 & 841(b)(1)(A)(vii) – Conspiracy to Cultivate, Possess with Intent to Distribute, and Distribute One Thousand or More Marijuana Plants

At least 10 years to life; \$4 million fine; at least 5 years of supervised release; \$100 special assessment

FORFEITURE ALLEGATION:

**21 U.S.C. § 853(a)(1) & (2), (p): any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of drug violation;
or
any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and substitute assets**

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

SEE PENALTY SHEET ATTACHMENT

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

SEE PENALTY SHEET ATTACHMENT

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

DEA SA CHRISTOPHER M. FAY

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a re-prosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
SHOW
DOCKET NO.MAGISTRATE
CASE NO.
 Name and Office of Person
 Furnishing Information on
 THIS FORM

KEVIN V. RYAN

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

ANDREW M. SCOBLE

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

ALEX WAISHINGTONG

DISTRICT COURT NUMBER

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer
 been filed?

☐ Yes
☐ No

 If "Yes"
 give date
 filed

**DATE OF
 ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

**DATE TRANSFERRED
 TO U.S. CUSTODY**
☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS*
☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

**Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment*

Date/Time:

Before Judge:

Comments:

**PENALTY SHEET ATTACHMENT:
ALEX WAI SHING FONG**

Ct.: 1

21 U.S.C. §§ 846 & 841(b)(1)(A)(vii) – Conspiracy to Cultivate, Possess with Intent to Distribute, and Distribute One Thousand or More Marijuana Plants

At least 10 years to life; \$4 million fine; at least 5 years of supervised release; \$100 special assessment

Cts.: 3, 6, 13

21 U.S.C. § 856(a)(1) – Maintaining a Place for Cultivating and Distributing Marijuana

20 years in prison; \$500,000 fine; at least 3 years of supervised release; \$100 special assessment. Also subject to civil penalty of \$250,000 or twice the known or estimated gross receipts of each violation attributable to that defendant

Cts.: 7, 14

21 U.S.C. § 841(a)(1) & (b)(1)(B)(vii) – Cultivation and Possession with Intent to Distribute 100 or more Marijuana Plants

At least 5 to 40 years in prison; \$2 million fine; at least 4 years of supervised release; \$100 special assessment

Ct.: 5

21 U.S.C. § 841(a)(1) & (b)(1)(D) – Cultivation and Possession with Intent to Distribute Marijuana Less than 50 Plants or 50 Kilograms

5 years in prison; \$250,000 fine; at least 2 years of supervised release; \$100 special assessment

FORFEITURE ALLEGATION:

**21 U.S.C. § 853(a)(1) & (2), (p): any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of drug violation; or
any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and substitute assets**

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

SEE PENALTY SHEET ATTACHMENT

**SEALED
BY COURT ORDER**
☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

SEE PENALTY SHEET ATTACHMENT

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

DEA SA CHRISTOPHER M. FAY

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a prosecution of charges previously dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
SHOW
DOCKET NO.MAGISTRATE
CASE NO.
 Name and Office of Person
 Furnishing Information on
 THIS FORM

KEVIN V. RYAN

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

ANDREW M. SCOBLE

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT

KITTY YEE

DISTRICT COURT NUMBER

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer
 been filed?

☐ Yes
☐ No

 If "Yes"
 give date
 filed

**DATE OF
ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

**DATE TRANSFERRED
TO U.S. CUSTODY**
☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS*

☒ WARRANT Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

**PENALTY SHEET ATTACHMENT:
KITTY YEE LI**

Ct.: 1

21 U.S.C. §§ 846 & 841(b)(1)(A)(vii) – Conspiracy to Cultivate, Possess with Intent to Distribute, and Distribute One Thousand or More Marijuana Plants

At least 10 years to life; \$4 million fine; at least 5 years of supervised release; \$100 special assessment

Cts.: 2, 4, 6, 8

21 U.S.C. § 856(a)(1) – Maintaining a Place for Cultivating and Distributing Marijuana

20 years in prison; \$500,000 fine; at least 3 years of supervised release; \$100 special assessment. Also subject to civil penalty of \$250,000 or twice the known or estimated gross receipts of each violation attributable to that defendant

Ct.: 9

21 U.S.C. § 841(a)(1) & (b)(1)(A)(vii) – Cultivation and Possession with Intent to Distribute 1,000 or more Marijuana Plants

At least 10 years to life in prison; \$4 million fine; at least 5 years of supervised release; \$100 special assessment

Ct.: 7

21 U.S.C. § 841(a)(1) & (b)(1)(B)(vii) – Cultivation and Possession with Intent to Distribute 100 or more Marijuana Plants

At least 5 to 40 years in prison; \$2 million fine; at least 4 years of supervised release; \$100 special assessment

(Cont'd)

Ct.: 5

21 U.S.C. § 841(a)(1) & (b)(1)(D) – Cultivation and Possession with Intent to Distribute Marijuana Less than 50 Plants or 50 Kilograms

5 years in prison; \$250,000 fine; at least 2 years of supervised release; \$100 special assessment

FORFEITURE ALLEGATION:

**21 U.S.C. § 853(a)(1) & (2), (p): any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of drug violation; or
any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and substitute assets**

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

SEE PENALTY SHEET ATTACHMENT

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

SEE PENALTY SHEET ATTACHMENT

**SEALED
BY COURT ORDER****PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

DEA SA CHRISTOPHER M. FAY

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a re-prosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
SHOW
DOCKET NO.MAGISTRATE
CASE NO.
 Name and Office of Person
 Furnishing Information on
 THIS FORM

KEVIN V. RYAN

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

ANDREW M. SCOBLE

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA
DEFENDANT: **FILED**
06 JUN 15 PM 4:15
CLERK OF DISTRICT COURT
MICHAEL YUK HAN LEUNG
DISTRICT COURT NUMBER
NORTH DAKOTA
DISTRICT COURT NUMBER
NORTH DAKOTA

DISTRICT COURT NUMBER

CR 06 0426**DEFENDANT****MHP****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer
 been filed?

☐ Yes
☐ No

 If "Yes"
 give date
 filed
**DATE OF
ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS*
☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 *Where defendant previously apprehended on complaint, no new summons
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

**PENALTY SHEET ATTACHMENT:
MICHAEL YUK LAM LEUNG**

Ct.: 1

21 U.S.C. §§ 846 & 841(b)(1)(A)(vii) – Conspiracy to Cultivate, Possess with Intent to Distribute, and Distribute One Thousand or More Marijuana Plants

At least 10 years to life; \$4 million fine; at least 5 years of supervised release; \$100 special assessment

Ct.: 6

21 U.S.C. § 856(a)(1) – Maintaining a Place for Cultivating and Distributing Marijuana

20 years in prison; \$500,000 fine; at least 3 years of supervised release; \$100 special assessment. Also subject to civil penalty of \$250,000 or twice the known or estimated gross receipts of each violation attributable to that defendant

Ct.: 7

21 U.S.C. § 841(a)(1) & (b)(1)(B)(vii) – Cultivation and Possession with Intent to Distribute 100 or more Marijuana Plants

At least 5 to 40 years in prison; \$2 million fine; at least 4 years of supervised release; \$100 special assessment

FORFEITURE ALLEGATION:

**21 U.S.C. § 853(a)(1) & (2), (p): any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of drug violation; or
any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and substitute assets**

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

SEE PENALTY SHEET ATTACHMENT

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

SEE PENALTY SHEET ATTACHMENT

**SEALED
BY COURT ORDER****PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

DEA SA CHRISTOPHER M. FAY

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a re-prosecution of charges previously dismissed which were dismissed on motion of
SHOW
DOCKET NO.
☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

 Name and Office of Person
 Furnishing Information on
 THIS FORM

KEVIN V. RYAN

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

ANDREW M. SCOBLE

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

PHUNG VAN NGUYEN

DISTRICT COURT NUMBER

CR 06 0426

DEFENDANT

MHP**IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer
 been filed?

☐ Yes
☐ No

 If "Yes"
 give date
 filed

**DATE OF
 ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

**DATE TRANSFERRED
 TO U.S. CUSTODY**
☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

**PENALTY SHEET ATTACHMENT:
PHUNG VAN NGUYEN**

Ct.: 1

21 U.S.C. §§ 846 & 841(b)(1)(A)(vii) – Conspiracy to Cultivate, Possess with Intent to Distribute, and Distribute One Thousand or More Marijuana Plants

At least 10 years to life; \$4 million fine; at least 5 years of supervised release; \$100 special assessment

Cts.: 8, 10

21 U.S.C. § 856(a)(1) – Maintaining a Place for Cultivating and Distributing Marijuana

20 years in prison; \$500,000 fine; at least 3 years of supervised release; \$100 special assessment. Also subject to civil penalty of \$250,000 or twice the known or estimated gross receipts of each violation attributable to that defendant

Cts.: 9

21 U.S.C. § 841(a)(1) & (b)(1)(A)(vii) – Cultivation and Possession with Intent to Distribute 1,000 or more Marijuana Plants

At least 10 years to life in prison; \$4 million fine; at least 5 years of supervised release; \$100 special assessment

FORFEITURE ALLEGATION:

**21 U.S.C. § 853(a)(1) & (2), (p): any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of drug violation;
or**

any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and substitute assets

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

SEE PENALTY SHEET ATTACHMENT

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

SEE PENALTY SHEET ATTACHMENT

CR

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

JAY YUAN

DISTRICT COURT NUMBER

06**0426 MHP****DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

DEA SA CHRISTOPHER M. FAY

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a re-prosecution of charges previously dismissed which were dismissed on motion of:

SHOW DOCKET NO.

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

 Name and Office of Person
 Furnishing Information on
 THIS FORM

KEVIN V. RYAN

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

ANDREW M. SCOBLE

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS*
☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

**PENALTY SHEET ATTACHMENT:
JAY YUAN**

Ct.: 1

21 U.S.C. §§ 846 & 841(b)(1)(A)(vii) – Conspiracy to Cultivate, Possess with Intent to Distribute, and Distribute One Thousand or More Marijuana Plants

At least 10 years to life; \$4 million fine; at least 5 years of supervised release; \$100 special assessment

FORFEITURE ALLEGATION:

**21 U.S.C. § 853(a)(1) & (2), (p): any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of drug violation; or
any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and substitute assets**

1 KEVIN V. RYAN (CSBN 118321)
2 United States Attorney

FILED
06 JUN 15 PM 4:13
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

3
4
5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
7 SAN FRANCISCO DIVISION

8
9 UNITED STATES OF AMERICA,

CR

06

0426

MHP

10 Plaintiff,

11 v.

12 VINCE MING WAN,
13 a/k/a Nelson Wan,
14 a/k/a Phillip Hoang,
15 ALEX WAI SHING FONG,
16 PHUNG VAN NGUYEN,
KITTY YEE LI,
JAY YUAN,
MICHAEL YUK LAM LEUNG, and
EDWIN GORDON TOY,

17 Defendants.

VIOLATIONS: 21 U.S.C. § 846 –
Conspiracy to Cultivate, to Possess With
Intent to Distribute, and to Distribute
Marijuana; 21 U.S.C. § 841(a)(1) –
Cultivation of and Possession With Intent to
Distribute Marijuana; 21 U.S.C. § 856(a)(1)
– Maintaining a Place for Cultivating and
Distributing Marijuana; 18 U.S.C. § 2 –
Solicit, Aid and Abet; 21 U.S.C. § 853 –
Criminal Forfeiture

SAN FRANCISCO VENUE

18
19
20 INDICTMENT
21
22
23
24
25
26
27
28

NY

1 The Grand Jury charges:

2 COUNT ONE: (21 U.S.C. § 846; 18 U.S.C. § 2)

3 On or about and between a date unknown to the Grand Jury but no later than July 5, 2002
4 and June 27, 2005, in the Northern District of California, and elsewhere, the defendants,

5 VINCE MING WAN,
6 a/k/a Nelson Wan,
7 a/k/a Phillip Hoang,
8 ALEX WAI SHING FONG,
9 PHUNG VAN NGUYEN,
KITTY YEE LI,
JAY YUAN,
MICHAEL YUK LAM LEUNG, and
EDWIN GORDON TOY,

10 and others, did knowingly and intentionally conspire to manufacture (cultivate), to possess with
11 intent to distribute, and to distribute a controlled substance, to wit, one thousand or more
12 marijuana plants, and did knowingly aid and abet such conspiracy, in violation of Title 21,
13 United States Code, Sections 846 and 841(b)(1)(A)(vii) and Title 18, United States Code,
14 Section 2.

15
16 COUNT TWO: (21 U.S.C. § 856(a)(1); 18 U.S.C. § 2)

17 On or about and between a date unknown to the Grand Jury but no later than July 5, 2002
18 and June 2005, in the Northern District of California, the defendants

19 VINCE MING WAN,
20 a/k/a Nelson Wan,
21 a/k/a Phillip Hoang, and
KITTY YEE LI,

22 did knowingly and intentionally lease, rent, use and maintain a place, to wit: the premises at 321
23 17th Street, Oakland, California, for the purpose of manufacturing (cultivating) and distributing a
24 controlled substance, to wit: marijuana, and did knowingly aid and abet such maintaining of a
25 place for the purpose of cultivating and distributing marijuana, in violation of Title 21, United
26 States Code, Section 856(a)(1) and Title 18, United States Code, Section 2.

27 //

28 //

1 COUNT THREE: (21 U.S.C. § 856(a)(1); 18 U.S.C. § 2)

2 On or about and between a date unknown to the Grand Jury but no later than July 16,
3 2002 and June 24, 2003, in the Northern District of California, the defendant

4 ALEX WAI SHING FONG

5 did knowingly and intentionally lease, rent, use and maintain a place, to wit: the premises at
6 2506 24th Avenue, Oakland, California, for the purpose of manufacturing (cultivating) and
7 distributing a controlled substance, to wit: marijuana, and did knowingly aid and abet such
8 maintaining of a place for the purpose of cultivating and distributing marijuana, in violation of
9 Title 21, United States Code, Section 856(a)(1) and Title 18, United States Code, Section 2.

10
11 COUNT FOUR: (21 U.S.C. § 856(a)(1); 18 U.S.C. § 2)

12 On or about and between June 2002 and January 18, 2005, in the Northern District of
13 California, the defendants

14 VINCE MING WAN,
15 a/k/a Nelson Wan,
16 a/k/a Phillip Hoang, and
KITTY YEE LI,

17 did knowingly and intentionally lease, rent, use and maintain a place, to wit: the premises at
18 3709 Lily Street, Oakland, California, for the purpose of manufacturing (cultivating) and
19 distributing a controlled substance, to wit: marijuana, and did knowingly aid and abet such
20 maintaining of a place for the purpose of cultivating and distributing marijuana, in violation of
21 Title 21, United States Code, Section 856(a)(1) and Title 18, United States Code, Section 2.

22
23 COUNT FIVE: (21 U.S.C. § 841(a)(1); 18 U.S.C. § 2)

24 On or about January 18, 2005, in the Northern District of California, the defendants

25 VINCE MING WAN,
26 a/k/a Nelson Wan,
27 a/k/a Phillip Hoang,
ALEX WAI SHING FONG, and
KITTY YEE LI,

28 did knowingly and intentionally possess with intent to distribute a controlled substance, to wit:

1 marijuana, at 3709 Lily Street, Oakland, California, and did knowingly aid and abet such
2 cultivation of and possession with intent to distribute marijuana, in violation of Title 21, United
3 States Code, Section 841(a)(1) and (b)(1)(D), and Title 18, United States Code, Section 2.

4
5 COUNT SIX: (21 U.S.C. § 856(a)(1); 18 U.S.C. § 2)

6 On or about and between a date unknown to the Grand Jury but no later than April 2004
7 and June 7, 2005, in the Northern District of California, the defendants

8 ALEX WAI SHING FONG,
9 KITTY YEE LI, and
MICHAEL YUK LAM LEUNG,

10 did knowingly and intentionally lease, rent, use and maintain a place, to wit: the premises at
11 1171 MacArthur Boulevard, Oakland, California, for the purpose of manufacturing (cultivating)
12 and distributing a controlled substance, to wit: marijuana, and did knowingly aid and abet such
13 maintaining of a place for the purpose of cultivating and distributing marijuana, in violation of
14 Title 21, United States Code, Section 856(a)(1) and Title 18, United States Code, Section 2.

15
16 COUNT SEVEN: (21 U.S.C. § 841(a)(1); 18 U.S.C. § 2)

17 On or about June 7, 2005, in the Northern District of California, the defendants

18 ALEX WAI SHING FONG,
19 KITTY YEE LI, and
20 MICHAEL YUK LAM LEUNG,

21 did knowingly and intentionally cultivate and possess with intent to distribute a controlled
22 substance, to wit: one hundred or more marijuana plants, at 1171 MacArthur Boulevard,
23 Oakland, California, and did knowingly aid and abet such cultivation of and possession with
24 intent to distribute marijuana, in violation of Title 21, United States Code, Section 841(a)(1) and
25 841(b)(1)(B)(vii), and Title 18, United States Code, Section 2.

26 //

27 //

28 //

1 COUNT EIGHT: (21 U.S.C. § 856(a)(1); 18 U.S.C. § 2)

2 On or about and between July 2004 and June 22, 2005, in the Northern District of
3 California, the defendants

4 VINCE MING WAN,
5 a/k/a Nelson Wan,
6 a/k/a Phillip Hoang,
KITTY YEE LI, and
PHUNG VAN NGUYEN,

7 did knowingly and intentionally lease, rent, use and maintain a place, to wit: the premises at
8 1545 Ocean Avenue, San Francisco, California, for the purpose of manufacturing (cultivating)
9 and distributing a controlled substance, to wit: marijuana, and did knowingly aid and abet such
10 maintaining of a place for the purpose of cultivating and distributing marijuana, in violation of
11 Title 21, United States Code, Section 856(a)(1) and Title 18, United States Code, Section 2.

12
13 COUNT NINE: (21 U.S.C. § 841(a)(1); 18 U.S.C. § 2)

14 On or about June 22, 2005, in the Northern District of California, the defendants

15 VINCE MING WAN,
16 a/k/a Nelson Wan,
17 a/k/a Phillip Hoang,
KITTY YEE LI, and
PHUNG VAN NGUYEN,

18 did knowingly and intentionally cultivate and possess with intent to distribute a controlled
19 substance, to wit: one thousand or more marijuana plants, at 1545 Ocean Avenue, San
20 Francisco, California, and did knowingly aid and abet such cultivation of and possession with
21 intent to distribute marijuana, in violation of Title 21, United States Code, Section 841(a)(1) and
22 (b)(1)(A)(vii), and Title 18, United States Code, Section 2.

23 //

24 //

25 //

26 //

27 //

28 //

1 COUNT TEN: (21 U.S.C. § 856(a)(1); 18 U.S.C. § 2)

2 On or about and between July 2004 and June 22, 2005, in the Northern District of
3 California, the defendants

4 VINCE MING WAN,
5 a/k/a Nelson Wan,
6 a/k/a Phillip Hoang, and
7 PHUNG VAN NGUYEN,
8 did knowingly and intentionally lease, rent, use and maintain a place, to wit: the premises at
9 1107-1109 Ocean Avenue, San Francisco, California, for the purpose of manufacturing
10 (cultivating) and distributing a controlled substance, to wit: marijuana, and did knowingly aid
11 and abet such maintaining of a place for the purpose of cultivating and distributing marijuana, in
12 violation of Title 21, United States Code, Section 856(a)(1) and Title 18, United States Code,
13 Section 2.

14 COUNT ELEVEN: (21 U.S.C. § 856(a)(1); 18 U.S.C. § 2)

15 On or about and between October 15, 2003 and June 22, 2005, in the Northern District of
16 California, the defendant

17 VINCE MING WAN,
18 a/k/a Nelson Wan,
19 a/k/a Phillip Hoang,
20 did knowingly and intentionally lease, rent, use and maintain a place, to wit: the premises at 445
21 Judah Street, San Francisco California, for the purpose of manufacturing (cultivating) and
22 distributing a controlled substance, to wit: marijuana, and did knowingly aid and abet such
23 maintaining of a place for the purpose of cultivating and distributing marijuana, in violation of
24 Title 21, United States Code, Section 856(a)(1) and Title 18, United States Code, Section 2.

25 COUNT TWELVE: (21 U.S.C. § 841(a)(1); 18 U.S.C. § 2)

26 On or about June 22, 2005, in the Northern District of California, the defendant

27 VINCE MING WAN,
28 a/k/a Nelson Wan,
a/k/a Phillip Hoang,
did knowingly and intentionally cultivate and possess with intent to distribute a controlled

1 substance, to wit: one thousand or more marijuana plants, at 445 Judah Street, San Francisco,
2 California, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A)(vii), and
3 did knowingly aid and abet such cultivation of and possession with intent to distribute marijuana,
4 in violation of Title 18, United States Code, Section 2.

5
6 COUNT THIRTEEN: (21 U.S.C. § 856(a)(1); 18 U.S.C. § 2)

7 On or about and between October 2004 and June 27, 2005, in the Northern District of
8 California, the defendants

9 VINCE MING WAN,
10 a/k/a Nelson Wan,
11 a/k/a Phillip Hoang, and
ALEX WAI SHING FONG,

12 did knowingly and intentionally lease, rent, use and maintain a place, to wit: the premises at
13 1402 East 21st Street, Oakland, California, for the purpose of manufacturing (cultivating) and
14 distributing a controlled substance, to wit: marijuana, and did knowingly aid and abet such
15 maintaining of a place for the purpose of cultivating and distributing marijuana, in violation of
16 Title 21, United States Code, Section 856(a)(1) and Title 18, United States Code, Section 2.

17
18 COUNT FOURTEEN: (21 U.S.C. § 841(a)(1); 18 U.S.C. § 2)

19 On or about June 27, 2005, in the Northern District of California, the defendants

20 VINCE MING WAN,
21 a/k/a Nelson Wan,
22 a/k/a Phillip Hoang, and
ALEX WAI SHING FONG,

23 did knowingly and intentionally cultivate and possess with intent to distribute a controlled
24 substance, to wit: one hundred or more marijuana plants, at 1402 East 21st Street, Oakland,
25 California, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(vii), and
26 did knowingly aid and abet such cultivation of and possession with intent to distribute marijuana,
27 in violation of Title 18, United States Code, Section 2.

28 //

FORFEITURE ALLEGATION ONE: (21 U.S.C. § 853 – Criminal Forfeiture)

1. The allegations in Counts One through Fourteen are realleged and incorporated fully herein.

2. Upon conviction for offenses alleged in Counts One through Fourteen, the defendants

VINCE MING WAN,
a/k/a Nelson Wan,
a/k/a Phillip Hoang,
ALEX WAI SHING FONG,
PHUNG VAN NGUYEN,
KITTY YEE LI,
JAY YUAN,
MICHAEL YUK LAM LEUNG, and
EDWIN GORDON TOY,

shall forfeit to the United States any property constituting, or derived from, any proceeds that defendants obtained, directly or indirectly, as the result of such violations, and any of defendants' property used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations, including but not limited to:

The \$31,278 seized from the premises of 445 Judah Street on June 22, 2005, pursuant to Title 21, United States Code, Section 853(a)(1) and (2).

3. If as a result of any act or omission of defendants, any of said property
- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred, or sold, to or deposited with a third person;
 - c. has been placed beyond the jurisdiction of the Court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which, without difficulty, cannot be subdivided;

//

//

//

//

//


any and all interest defendants have in any other property (not to exceed the value of the above forfeitable property) shall be forfeited to the United States, pursuant to Title 21, United States Code, Section 853(a)(1) and (2), and (p).

DATED: 6/15/06

A TRUE BILL.


FOREPERSON

KEVIN V. RYAN
United States Attorney


MARK L. KROTOSKI (CSBN 138549)
Chief, Criminal Division

(Approved as to form: )
AUSA A.M. SCOBLE